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|-------------------------------|------------------|----------------|--|
| <b>Notice of Allowability</b> | Application No.  | Applicant(s)   |  |
|                               | 09/885,092       | CARETTA ET AL. |  |
|                               | Examiner         | Art Unit       |  |
|                               | Justin R Fischer | 1733           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 09 November 2004.
2.  The allowed claim(s) is/are 59-73 (renumbered 1-15).
3.  The drawings filed on 21 June 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08);  
Paper No./Mail Date 110904
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 59-73 (renumbered 1-15) are allowed. The following is an examiner's statement of reasons for allowance:

As set forth in the previous Notice of Allowance, when forming a carcass structure for a pneumatic tire, there are a number of techniques commonly employed, including (a) depositing a single ply or sheet containing a plurality of inclined reinforcing elements and (b) depositing a plurality of cord reinforced assemblies in strip form over the circumferential extent of the tire. In this instance, the newly cited references (Caretta '584, Christman '287, and Levieuze '231), in an analogous manner to Dickinson (previously cited), evidence the common technique of forming a carcass from a plurality of strips. It is further noted that Caretta (Column 10, Lines 4-50) and Christman (Figure 15) recognize the ability to lay the respective strip assemblies at an angle in relation to a direction parallel to the geometric axis of the tire. However, in each of these instances, the elongated sections or strips are not laid down substantially in a plane "parallelly offset" relative to a meridian plane of the tire (toroidal support during forming). As noted by applicant and set forth in the original disclosure, the language "parallelly offset" is defined as "the deposition plane N, seen in a direction parallel to the geometric axis 'O' of the toroidal support, is substantially parallel to the meridian plane P or in any case does not converge on the geometric axis of the toroidal support itself, at least at the intersection between the equatorial plane X-X and the geometric axis". In Levieuze (see Figure 7), the deposition plane is the same as the

meridian plane as opposed to be parallelly offset with the meridian plane- Levieuze specifically states that the bands or strips converge at a point O, which appears to be the intersection of the rotational axis and the equatorial plane of the tire. On the other hand, the deposition planes of Caretta and Christman converge on the geometric axis at the point of intersection of the geometric axis and the equatorial plane. These embodiments are best depicted in Exhibits A and B submitted by applicant on July 23, 2004. In contrast to these constructions, Exhibits C and D, respectively, depict a tire in which the deposition is in fact parallelly offset with respect to the meridian plane and a tire in which the deposition plane does not converge on the geometric axis at the point of intersection of the geometric axis and the equatorial plane. Thus, the prior art references of record fail to suggest, teach, or describe a tire construction in which each of a plurality of elongated strips are laid down in such a manner that the deposition plane of said strips is "parallelly offset" relative to a meridian plane of the tire as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

February 1, 2005



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300